

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated July 8, 2009. Claims 7 to 12 are currently pending in this application. Claims 1 to 6 were previously cancelled. Claims 7 and 9 have been amended for clarification purposes. Please charge Deposit Account No. 02-1818 for any payments due in connection with this Response.

The Office Action indicated that the current oath or declaration is defective because inventor Frank Lorenz did not date his signature. Applicants respectfully disagree that dating the signature on an oath or declaration is a requirement. The Examiner is directed to MPEP §602.05, which states:

The Office no longer checks the date of execution of the oath or declaration and the Office will no longer require a newly executed oath or declaration based on an oath or declaration being stale (that is when the date of execution is more than 3 months prior to the filing date of the application) or where the date of execution has been omitted. However, applicants are reminded that they have a continuing duty of disclosure under 37 CFR 1.56.

The Office Action rejected claims 7 to 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent App. 2003/0093278 to Malah ("*Malah*") in view of U.S. Patent 6,574,593 to Gao ("*Gao*"). Applicant respectfully disagrees with, and traverses, such rejections.

Claim 7 recites, among other elements, a "memory unit stores a reference table that includes at least one parameter value used for the bandwidth expansion for at least two net bit rates." Similarly, claim 9 recites, among other elements, "a memory that includes a reference table, the reference table including associations between at least two net bit rates and parameter values used for bandwidth expansion."

The Office Action concedes that *Malah* does not "teach a memory unit [that] stores a reference table that includes at least one parameter value for bandwidth expansion for at least two net bit rates of the narrowband signal" (page 3). The Office Action indicates that that feature is taught by *Gao*. Applicants respectfully disagree.

Gao teaches bandwidth expansion of a single frequency (60 Hz) of a pre-processed speech signal 308 and decoding of a bit stream in a post-processing module 100. Although the decoding in *Gao* may be at different bit rates, the bandwidth expansion is unrelated to the

selected bit rate as the bandwidth expansion has already occurred in time prior to the bit rate selection. In other words, the bandwidth expansion of Gao occurs before the inverse mapping and bit rate selection, therefore the bandwidth expansion of Gao cannot use a parameter value associated with the bit rate selection for bandwidth expansion as currently claimed.

For the reasons given above, Applicant submits that *Malah* and *Gao*, alone and in combination, do not disclose each and every element of independent claim 7 and/or independent claim 9. All other pending claim depend from independent claim 7 or independent claim 9 and are allowable for at least the same reasons.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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BY  _____

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